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AGENDA
ZONING BOARD OF ADJUSTMENT
Regular Meeting
Tuesday, January 05, 2010 at 6:00 PM
City Hall Council Chambers
1101 Texas Avenue
College Station, Texas 77840

1. Call to order – Explanation of functions of the Board.
2. Consideration, discussion and possible action of Absence Requests from meetings.
 - Dick Dabney Absence Request - January 5, 2010
3. Discussion of requested Administrative Adjustments.
 - 108 Poplar Avenue - 10% reduction on parking setbacks, drive aisles, and end island areas. Case# 09-00500224 (MKH) Approved
4. Consideration, discussion and possible action to approve meeting Minutes.
 - November 10, 2009 Meeting Minutes
5. Public hearing, presentation, possible action, and discussion on a request for variance to the Unified Development Ordinance, Section 7.1.D.1.e regarding the contextual front setback requirement for 1523 Park Place, Lot 1A, Block 1 of the F.S. Kapchinski Subdivision. Case# 09-00500245 (MKH)
6. Presentation, possible action, and discussion regarding the Code Coordination Sub-Committee and appointment of membership to the same.
7. Consideration and possible action on future agenda items – A Zoning Board Member may inquire about a subject for which notice has not been given. A statement of specific factual information or the recitation of existing policy may be given. Any deliberation shall be limited to a proposal to place the subject on an agenda for a subsequent meeting
8. Adjourn.

Consultation with Attorney {Gov't Code Section 551.071; possible action.

The Zoning Board of Adjustments may seek advice from its attorney regarding a pending and contemplated litigation subject or attorney-client privileged information. After executive session discussion, any final action or vote taken will be in public. If litigation or attorney-client

privileged information issues arise as to the posted subject matter of this Zoning Board of Adjustments meeting, an executive session will be held.

Notice is hereby given that a Regular Meeting of the Zoning Board of Adjustment of College Station, Texas will be held on **Tuesday, January 05, 2010 at 6:00 p.m.** at the City Hall Council Chambers, 1101 Texas Avenue, College Station, Texas. The following subjects will be discussed, to wit: See Agenda

Posted this the ____ day of _____, 2010 at ____ p.m.

CITY OF COLLEGE STATION, TEXAS

By _____
Connie Hooks, City Secretary

I, the undersigned, do hereby certify that the above Notice of Regular Meeting of the Zoning Board of Adjustment of the City of College Station, Texas, is a true and correct copy of said Notice and that I posted a true and correct copy of said notice on the bulletin board at City Hall, 1101 Texas Avenue, in College Station, Texas, and the City's website, www.cstx.gov. The Agenda and Notice are readily accessible to the general public at all times. Said Notice and Agenda were posted on _____ p.m. and remained so posted continuously for at least 72 hours proceeding the scheduled time of said meeting.

This public notice was removed from the official posting board at the College Station City Hall on the following date and time: _____ by _____.

Dated this ____ day of _____, 2010.

CITY OF COLLEGE STATION, TEXAS

By _____

Subscribed and sworn to before me on this the ____ day of _____, 2010.

Notary Public- Brazos County, Texas

My commission expires: _____

This building is wheelchair accessible. Handicap parking spaces are available. Any request for sign interpretive service must be made 48 hours before the meeting. To make arrangements call 979.764.3517 or (TDD) 800.735.2989. Agendas may be viewed on www.cstx.gov.



Absence Request Form
For Elected and Appointed Officers

Name Richard Dabney

Request Submitted on Date: December 1, 2009

I will not be in attendance at the meeting of January 5, 2010
for the reason(s) specified: (Date)

I will be out of town on the date of the Zoning Board of Adjustment meeting.

Dick Dabney



MINUTES
Zoning Board of Adjustment
November 10, 2009
CITY OF COLLEGE STATION, TEXAS
City Hall Council Chambers
1101 Texas Avenue
6:00 P.M.

MEMBERS PRESENT: Chairman Jay Goss, Josh Benn, Rodney Hill, John Richards, Hunter Goodwin

MEMBERS ABSENT: Richard Dabney and Melissa Cunningham

STAFF PRESENT: Administrative Support Specialist Brittany Caldwell, Staff Planner Matthew Hilgemeier, Planning Administrator Molly Hitchcock, Assistant Director of Planning and Development Services Lance Simms, First Assistant City Attorney Mary Ann Powell, and Action Center Representative Carrie McHugh.

AGENDA ITEM NO. 1: **Call to order – Explanation of functions of the Board.**

Chairman Jay Goss called the meeting to order at 6:00 PM.

AGENDA ITEM NO. 2: **Consideration, discussion and possible action of Absence Requests from meetings.**

- Absence Request Richard Dabney - Meeting of November 10, 2009.

Mr. Benn motioned to approve the absence request. Mr. Hill seconded the motion, motion passed (5-0).

AGENDA ITEM NO. 3: **Consideration, discussion and possible action to approve meeting minutes.**

- October 6, 2009 meeting minutes.

Mr. Benn motioned to approve the minutes. Mr. Richards seconded the motion, motion passed (5-0).

AGENDA ITEM NO. 4: Public hearing, presentation, possible action, and discussion on a request for variances to the Unified Development Ordinance, Section 5.2 Residential Dimensional Standards and Section 6.4.B.4 Accessory Use Standards regarding minimum rear and side setback requirements for 504 Guernsey Street, Lots 1 & 2, Block 10 of the College Park Subdivision. Case# 09-00500205 (MKH)

Staff Planner Matthew Hilgemeier presented the staff report and stated that the applicants would like to add a 1,240 square foot (32'x40') detached garage to the property for vehicles and storage, and place the garage so that it is located 12 feet from the rear property line and eight feet from Welsh Avenue. Therefore, the applicant is requesting a variance of eight feet to the 20-foot rear setback requirement and a variance of 12 feet to the 20-foot side street setback required for garages. Staff recommended denial of the variances because the applicants failed to show that a special condition existed with the property, which creates a hardship that deprives them of a substantial property right.

Chairman Goss opened the public hearing for those wanting to speak concerning the variance requests.

Russ and Linda Harvell, 504 Guernsey, College Station, Texas, stated that locating the garage directly behind the house would require removal of large trees that are native to Texas and would prevent use of most of the yard. They said granting these variances would allow them to make the best use of the available area on their lot and correct drainage problems.

George Dresser, 501 Fairview Avenue, College Station, Texas, stated that he was in support of the garage being constructed where proposed and he would like to encourage more owner-occupied housing in the area.

Jerry Cooper, 602 Bell Street, College Station, Texas, expressed support for the variance request by stating that the Harvell's were trying to improve the neighborhood and make for a nicer place to live.

Everyone that stepped before the Board was sworn in by Chairman Goss.

Chairman Goss closed the public hearing.

Mr. Goodwin motioned to approve the eight-foot variance to the 20-foot rear setback under the hardship of drainage. Mr. Richards seconded the motion.

There was general discussion amongst the Board regarding the motion.

Mr. Goodwin amended the motion and stated that the structure had to be an accessory use. Mr. Richards seconded the amended motion, motion failed (3-2). Chairman Goss and Mr. Benn were in opposition.

AGENDA ITEM NO. 5: Consideration and possible action on future agenda items – A Zoning Member may inquire about a subject for which notice has not been given. A statement of specific factual information or the recitation of existing policy may be given. Any deliberation shall be limited to a proposal to place the subject on an agenda for a subsequent meeting.

There were no items addressed.

AGENDA ITEM NO. 6: Adjourn.

**Mr. Richards motioned to adjourn. Mr. Benn seconded the motion, motion passed (5-0).
The meeting was adjourned at 6:50 PM.**

APPROVED:

Jay Goss, Chairman

ATTEST:

Brittany Caldwell, Admin. Support Specialist



**VARIANCE REQUEST
FOR
1523 Park Place
(Case #: 09-00500245)**

REQUEST: Variance of 25.5 feet to the contextual front setback of 48 feet.

LOCATION: 1523 Park Place, Lot 1A, Block 1 of the F.S. Kapchinski Subdivision

APPLICANT: Rabon Metcalf, RME Consulting Engineers

PROPERTY OWNER: Glenn Hudson, Brazos Valley Historical Homes

PROJECT MANAGER: Matthew Hilgemeier, Staff Planner
mhilgemeier@cstx.gov

RECOMMENDATION: Denial

BACKGROUND: The subject property was platted in 1943 as part of the original F.S. Kapchinski Subdivision. In 2003, this property, along with the two properties located to the East, was replatted into the current lot configuration. Since that time, the two lots to the East have been developed as single-family structures while the subject property has remained undeveloped. Since this subdivision was established prior to July 15, 1970 the City of College Station's Unified Development Ordinance (UDO) requires that any new, single-family dwelling unit constructed on the block is required to use the adjacent lots to determine the appropriate front yard setback (Section 7.1.D.1.e). New dwelling units are not allowed to be closer to the street, or farther back from the street than the nearest neighboring unit. The owner of this lot also owns, and has developed the two adjacent properties to the East as single-family dwelling units which have a contextual setback of 48 feet.

The developer of this lot is proposing to build a single-family unit on the property, which is similar in design and layout as the neighboring dwelling units. However, unlike the other properties, which have shared parking located behind the structure, the developer is proposing to locate the parking in front of the structure. The developer states there is inadequate side-yard space to provide driveway access to the rear yard for rear parking. **Therefore, the applicant is requesting a variance of 25.5 feet to the established contextual front setback of 48 feet to allow for a 73.5-foot front setback.**

APPLICABLE ORDINANCE SECTION: Section 7.1.D.1.e – Contextual Setback Requirements

ORDINANCE INTENT: Building setback requirements usually allow for some degree of control over population density, access to light and air, and fire protection. These standards are typically justified on the basis of the protection of property values. The intent of Section 7.1.D.1.e is to insure that any infill development in older neighborhoods is sensitive to the context and complements the character of the existing development.



NOTIFICATIONS

Advertised Board Hearing Date: January 5, 2010

The following neighborhood organizations that are registered with the City of College Station's Neighborhood Services have received a courtesy letter of notification of this public hearing:

Wolf Pen Creek Homeowners Association

Property owner notices mailed 18
Contacts in support: 1 at time of staff report
Contacts in opposition: none at time of staff report
Inquiry contacts: 1 at time of staff report

ZONING AND LAND USES

Direction	Zoning	Land Use
Subject Property	R-1 Single Family Residential	Vacant
North	Planned Development District	Townhome
South	Planned Development District	Single family
East	R-1 Single Family Residential	Single family
West	Planned Development District	Multi-family

PHYSICAL CHARACTERISTICS

1. **Frontage:** This property has 52 feet of frontage along Park Place.
2. **Access:** This property is currently undeveloped therefore has no access. Once developed it will take access to Park Place
3. **Topography and vegetation:** There is a moderate amount of vegetation on the property and a 10-foot slope running from the South to the North.
4. **Floodplain:** The rear portion of this property is located in the floodplain.

REVIEW CRITERIA

1. **Extraordinary conditions:** The applicant states that due to the lot configuration and setback requirements there is inadequate side-yard space to provide a private drive to the rear yard for rear parking. Therefore, parking would need to be placed in front of the structure causing the structure to be setback farther than the contextual setback that has been established by the adjacent structure.

It is staff's opinion that this condition is a result of the applicant's own actions. The applicant is proposing to build a four-bedroom, single-family structure that is similar in design to the single-family structures neighboring this property. Like the neighboring structures, the developer would like to provide five parking spaces for the new structure. While staff understands that the developer has a design model established for this area, it is possible

that a single-family structure could be designed to fit on the lot, which would allow access for rear parking. The UDO requires a minimum 7.5-foot side setback for R-1 Single-Family Residential zoning districts, not a maximum setback. A greater side setback can be provided if the developer chooses to do so, which in this case could be provided to accommodate a driveway to the rear of the property.

2. **Enjoyment of a substantial property right:** This variance is not necessary for the preservation and enjoyment of a substantial property right. The portion of this lot that is located outside of the floodplain is large enough to meet the minimum buildable area that is required for single-family zoned districts.
3. **Substantial detriment:** The applicant states that the granting of this variance would not be detrimental to the public health, safety, or welfare, or injurious to other property in the area, or the City in administering this UDO because the proposed front setback is equal to that of the adjacent apartment structure to the west.
4. **Subdivision:** The granting of this variance will not prevent the orderly subdivision of other land in the area in accordance with the provisions of the UDO since this is the only undeveloped lot on this block.
5. **Flood hazard protection:** Granting this variance will not have the effect of preventing flood hazard protection.
6. **Other property:** The conditions of this lot do generally apply to other properties in the vicinity. The adjacent lots located east of the subject property were platted at the same time as the subject property, have similar lot dimensions, and do comply with the contextual setback requirements of the UDO.
7. **Hardships:** The applicant states that if parking were located in the rear of the structure, it would encroach into the 100-year floodplain and that due to a recently passed ordinance disallowing parking on Park Place that it is necessary to have five parking spaces for the 4-bedroom structure. Staff feels that these hardships are a result of the applicant's own actions and therefore does not meet the definition of a hardship.

The UDO does not prohibit the construction of parking area in floodplain areas; therefore, the applicant's hardship does not apply to this situation. It is also important to note that the single-family structures adjacent to the subject property, which were built by this developer, have parking areas located behind the structures that are located in the 100-year floodplain.

Additionally, Section 7.2 of the UDO only requires a minimum of two parking spaces for single-family dwelling units. While staff understands the developer's desire to provide one parking space per bedroom, and one additional space for guests, it is not required. Therefore, this hardship is a result of the applicant's own actions.

8. **Comprehensive Plan:** The granting of this variance would not substantially conflict with the Comprehensive Plan and the purpose of the UDO.
9. **Utilization:** The application of the standards of the UDO to this particular piece of property would not prohibit or restrict the utilization of the property.

ALTERNATIVES

The applicant has proposed no alternatives to granting these variance requests.

Staff has identified two alternatives to granting the variance:

1. The developer could reduce the size of the proposed structure to allow for driveway access to the rear of the property, therefore allowing the structure to meet the contextual setback requirement.
2. The developer could also reduce the number of proposed parking spaces, which would allow the structure to be built in a location that meets the contextual setback requirement.

STAFF RECOMMENDATION

Staff recommends denial of the variance because the special condition and resulting hardship stated by the applicant are a result of the applicant's own actions and are not a result of a special condition that exists with the property.

SUPPORTING MATERIALS

1. Application
2. Survey



FOR OFFICE USE ONLY	
CASE NO.:	<u>16-045</u>
DATE SUBMITTED:	<u>1/14/09</u>
TIME:	<u>1:11</u>
STAFF:	<u>93</u>

ZONING BOARD OF ADJUSTMENT APPLICATION

MINIMUM SUBMITTAL REQUIREMENTS:

- ☒ S250 Zoning Board of Adjustment Application Fee.
- ☒ Application completed in full. This application form provided by the City of College Station must be used and may not be adjusted or altered. Please attach pages if additional information is provided.
- ☐ Additional materials may be required of the applicant such as site plans, elevation drawings, sign details, and floor plans. The applicant shall be informed of any extra materials required.

Date of Optional Preapplication Conference N/A

ADDRESS 1523 Park Place

LEGAL DESCRIPTION (Lot, Block, Subdivision) Lot 1A, Block One - FS Kapchinski

APPLICANT/PROJECT MANAGER'S INFORMATION (Primary contact for the project):

Name RME Consulting Engineers (c/o Rabon Metcalf) E-mail rabon@rmengineer.com

Street Address P.O. Box 9253

City College Station

State TX

Zip Code 77842

Phone Number (979) 764-0704

Fax Number (979) 764-0704

PROPERTY OWNER'S INFORMATION (ALL owners must be identified. Please attach an additional sheet for multiple owners):

Name Brazos Valley Historical Homes, LLC c/o Glenn Hudson E-mail ghudson@sunbelt-graphics.com

Street Address 2020 Oakwood Trail

City College Station

State TX

Zip Code 77845

Phone Number (979) 218-1858

Fax Number

Current zoning of subject property R-1

Action requested (check all that apply):

☒ Setback variance

☐ Appeal of Written Interpretation

☐ Parking variance

☐ Special Exception

☐ Sign variance

☐ Drainage Variance

☐ Lot dimension variance

☐ Other

Applicable ordinance section to vary from:

Article 7,1.D.1.e

GENERAL VARIANCE REQUEST

1. The following specific variation from the ordinance is requested:

Permitting a front setback of 73.5' which is approximately 23.5' greater than the adjacent single-family dwelling unit.

2. This variance is necessary due to the following special conditions:

Special Condition Definition: To justify a variance, the difficulty must be due to unique circumstances involving the particular property. The unique circumstances must be related to a physical characteristic of the property itself, not to the owner's personal situation. This is because regardless of ownership, the variance will run with the land.

Example: A creek bisecting a lot, a smaller buildable area than is seen on surrounding lots, specimen trees.

Note: A cul-de-sac is a standard street layout in College Station. The shape of standard cul-de-sac lots are generally not special conditions.

There is inadequate side-yard space to provide a private drive to the rear yard for rear parking. Also, if there was adequate side-yard space for a private drive, the parking would encroach into the 100-year floodplain. This encroachment would occur in order for the same front setback distance to be maintained with the adjacent residence.

3. The unnecessary hardship(s) involved by meeting the provisions of the ordinance other than financial hardship is/are:

Hardship Definition: The inability to make reasonable use of the property in accord with the literal requirements of the law. The hardship must be a direct result of the special condition.

Example: A hardship of a creek bisecting a lot could be the reduction of the buildable area on the lot, when compared to neighboring properties.

Primarily two hardships. (1) The floodplain vs. rear parking issues previously discussed, and (2) the desire to provide five parking spaces for the 4-bedroom dwelling unit. City Council has recently passed an ordinance disallowing parking on Park Place. Therefore it is imperative to provide sufficient number of parking spaces.


4. The following alternatives to the requested variance are possible:

None are foreseeable.

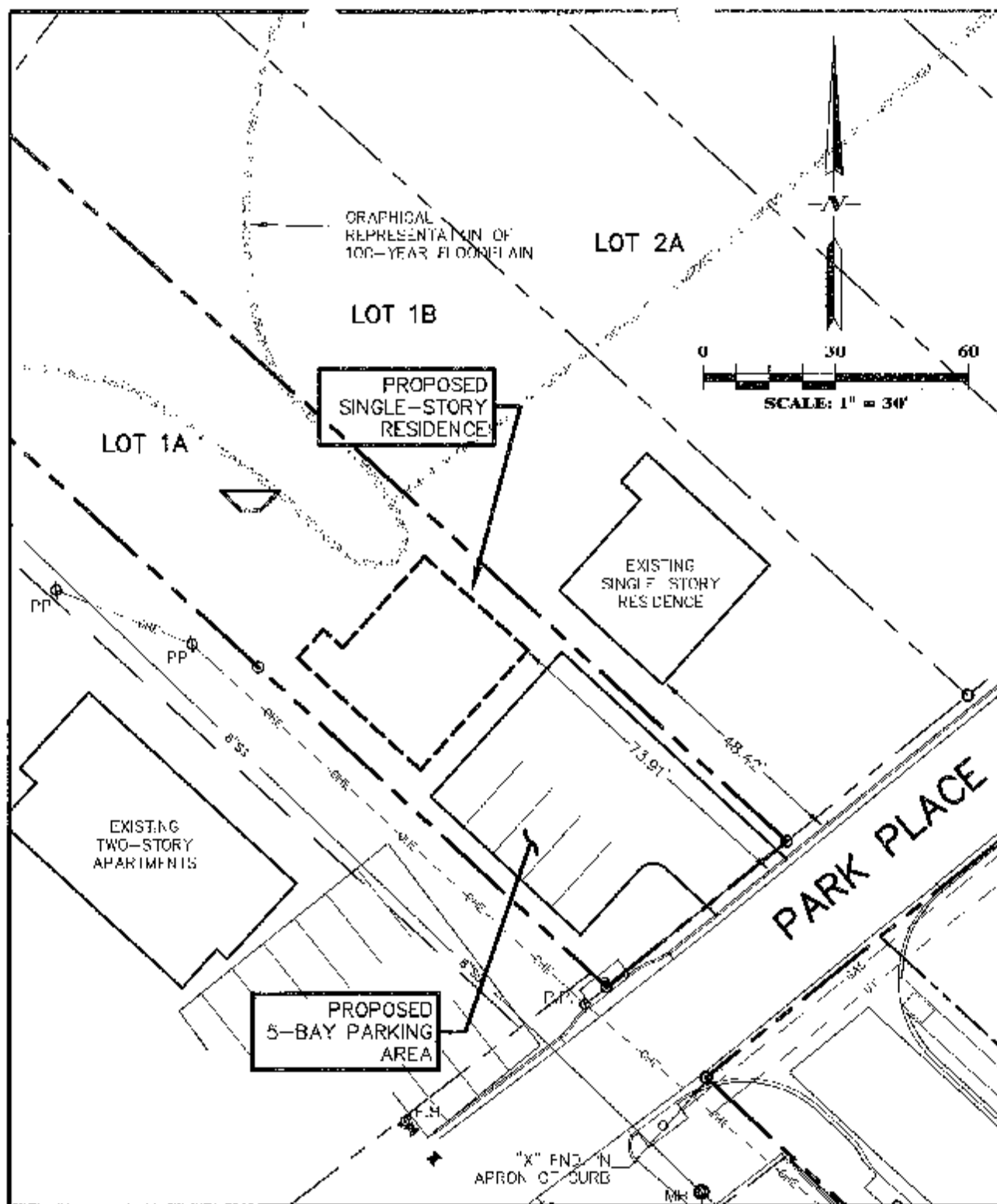
5. This variance will not be contrary to the public interest by virtue of the following facts:

No windows are along this side of the existing residence and the proposed front setback will be equal to that of the adjacent apartment structure.

The applicant has prepared this application and certifies that the facts stated herein and exhibits attached hereto are true, correct, and complete. IF THIS APPLICATION IS FILED BY ANYONE OTHER THAN THE OWNER OF THE PROPERTY, this application must be accompanied by a power of attorney statement from the owner. If there is more than one owner, all owners must sign the application or the power of attorney. If the owner is a company, the application must be accompanied by proof of authority for the company's representative to sign the application on its behalf.


Signature and title

11/24/09
Date



EME
Engineering & Mapping
707 BASTARD, STE 257A 77840
POST OFFICE BOX 9255
COLLEGE STATION, TX 77842
EMAIL: e.m.e.ing@emeinc.com
PHONE: 281.364.5500

SETBACK VARIANCE

F.S. KAPCHINSKI
LOT 1A, BLOCK ONE
COLLEGE STATION, BRAZOS COUNTY, TX
RME 548 0384

REV: 1
DATE: 11/24/09
FILE: 0384X12A
SCALE: 1"=30'

DRAWN BY: RAM
CHK BY: DALL

SHEET NO.
1 OF 1

SHEET TITLE
X-1